REMARKS

This amendment is in response to the Official Action dated November 5, 2004. The drawings, specification and Claim 14 have been amended. Claim 1-18 remain in the application with Claims 1 and 12 being the only independent claims. Favorable reconsideration, in view of the accompanying remarks, is respectfully requested.

In paragraph 1 of the Official Action, the Examiner has objected to the drawings for the reason noted therein. It is believed that the above changes to the drawings overcome this objection.

In paragraph 2 of the Official Action, the Examiner has objected to the disclosure for the reasons noted therein. It is believed that the above changes to specification overcome these objections.

In paragraph 3 of the Official Action, the Examiner has objected to Claim 14 for the reason noted therein. It is believed that the above changes to Claim 14 overcome this objection.

In paragraph 5 of the Official Action, the Examiner has rejected Claims 1-13 and 15-18 under the provisions of 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,706,916 to Cortes Gausch et al. (the Cortes reference). These rejections are respectfully traversed in view of the following reasons.

Independent Claim 1 recites in part that "the retraction mechanism comprising at least one pin secured to one of the friction pad and the anchor bracket and a spring clip fixed relative to the pin which acts between the pin and the other one of the anchor bracket and the friction pad, deformation of the spring clip as the pad is moved towards the disc providing a returning force to pull the friction pad away from the disc when the piston is retracted, and in which *the spring clip is fixed in position relative to the pin during normal use but is adapted to slide along the pin in the event that the displacement of the friction pad relative to the anchor bracket due to wear of the friction pad produces a deformation of the spring clip which exceeds a predefined limit*" (emphasis added).

The Cortes reference discloses a spring clip 52b which is fixed to the pad by a rivet 520 (the Examiner referring to the rivet as the pin). As discussed in the Cortes reference at col. 3, lines 33-35 and as shown best in Figs. 3 and 4, the spring clip 52b "*bears on the inside of the carrier housing 22b*" (emphasis added). In other words, the spring clip 52b slides along a channel of the inside wall of the carrier housing. The Cortes reference does not disclose that the spring clip 52b slides along the rivet/pin 520. Thus, the Cortes reference clearly does not disclose or suggest a disc brake assembly wherein the "*spring clip is fixed in position relative to the pin during normal use but is adapted to slide along the pin in the event that the displacement of the friction pad relative to the anchor bracket due to wear of the friction pad produces a deformation of the spring clip which exceeds a predefined limit*", as recited in Claim 1. This claimed feature is important for at least the following reason. In the Cortes reference, the surface along which the spring clip slides is the inside wall of the carrier housing. The carrier is not generally changed during the life of the vehicle. Given that the spring clip will generally be made of spring steel which has a higher strength than the material of the carrier, it is likely that as the spring clip slides along the inside of the carrier housing it will abrade the surface of the carrier and hence damage the carrier. In the presently claimed invention, the sliding of the spring clip occurs along the pin which can be regularly changed with the brake pad during vehicle servicing. Accordingly, it is believed that Claim 1, along with dependent Claims 2-11, are patentable over the cited references.

Independent Claim 12 contains similar limitations to that of Claim 1 in that Claim 12 recites that the "*clip is fixed relative to the pin until a force applied to the clip exceeds a predetermined limit whereby the clip is adapted to slide along the pin away from the brake shoe*" (emphasis added). Thus, for those reasons discussed above with respect to Claim 1, it is believed that Claim 12, along with dependent Claims 13-18, are patentable over the cited references.

In paragraph 8 of the Official Action, the Examiner has rejected Claim 14 under the provisions of 35 U.S.C. 103(a) as being unpatentable over the Cortes reference in view of U.S. Patent No. 4,574,922 to Varin et al. Claim 14 depends from

Claim 12. Thus, for those reasons discussed above with respect to Claim 12, it is believed that dependent Claim 14 is patentable over the cited references.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.

AMENDMENTS TO THE DRAWINGS

Please amend drawing Fig. 7 by adding reference character 26A as shown in red on the attached "Replacement Sheet". Formal drawings will be submitted upon approval of this change and issuance of a Notice of Allowance.